REMARKS

The Office Action mailed December 21, 2007, has been received and the Examiner's comments carefully reviewed. Claims 1 and 9-14 are amended. No new matter has been added. Favorable reconsideration of this application is requested in view of the following remarks.

Claim Amendments

Claims 1 and 9-14 are amended editorially to clarify antecedent basis for certain claims, and to clarify the scope of claims 9-13, as discussed below in conjunction with § 101. Applicants assert that the amendments are not intended to affect the previously-intended scope of the claims.

Claim Rejections - 35 USC § 101

In the Office Action claims 9-13 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Office Action specifically alleges that Claim 9 recites software *per se* as the system components are merely software. Applicants respectfully traverse this rejection.

Applicants note that claim 9, as currently presented, recites "a system that dynamically manages the workload of a multiprocessor computer system." The claim further recites "an application locator module that searches registry keys of the partitioned multiprocessor computer system . . . for applications whose execution is to be limited to processors defined by an affinity mask." Applicants assert that this recitation includes the concrete, tangible result required under *State Street* – adjusting workloads in a multiprocessor computer system by using an affinity mask to limit execution of software to certain processors in the system. This concrete effect – either allowing execution or preventing execution of software in a processor – allows a multiprocessor system to load balance tasks, maximizing overall performance of a computer.

Nevertheless, Applicants have amended claim 9 such that the elements of the claim are not directed specifically to software modules. Applicants assert that the claims in their current form fall within § 101, at least in that (1) the claims recite a concrete effect, and (2) the claims

are not limited to software *per se*, as alleged in the Office Action. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

Claim Rejections - 35 USC § 102

In the Office Action Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Microsoft Technet's, "Best Practices for Managing Applications with Process Control" (hereinafter "Microsoft Technet"). Applicants respectfully traverse the rejection of these claims.

A. Claims 1-8

Independent claim 1 requires, among other elements "dynamically managing the affinity mask for the application group by adding and removing processors from the affinity mask using priority values for the grouped installed software application." Applicants assert that at least this element is not disclosed in Microsoft Technet.

In the present application, an affinity mask is managed dynamically for an application group by using priority values for the grouped installed software application. As explained in the application, "the system dynamically adjust[s] the affinity masks in order to optimize application group efficiency and CPU utilization across the system." ¶[0042]. In order to adjust the load on the various processors, "the dynamic workload management system of the invention attempts to predict processor usage by checking each application to determine if it is to be promoted or demoted based on the priority schedule." ¶[0046].

Microsoft Technet at least fails to disclose dynamically managing an affinity mask for an application group by adding and removing processors from the affinity mask using priority values for the grouped installed software application. The Office Action indicates that Microsoft Technet discloses dynamically managing the affinity mask for the application group by adding and removing processors from the affinity mask using priority values. Although the reference does disclose managing processes (p. 16) and changing the priority of a process (p. 21), the cited portion of the Microsoft Technet reference does not disclose *dynamic* management of an affinity mask *based on* priority values. Rather, Microsoft Technet discloses management of affinity

using a manual process control user interface. Process priority is also managed manually, separately from affinity.

For at least this reason, Applicants assert that Microsoft Technet fails to disclose at least this element of claim 1. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of that claim, as well as claims 2-8 that depend therefrom.

B. Claims 9-13

Independent claim 9 requires, among other elements, "an application locator module that searches registry keys of the partitioned multiprocessor computer system for at least one predetermined installed software applications whose execution is to be limited to processors defined by an affinity mask." According to the application, "the finder process generally searches for a prescribed set of installed applications whose performace can be enhanced by an affinity mask. . . Thereafter. . . the application finder looks to find registry entries. . .to find directories that contain fully qualified paths (or partial ones) that point to where the executables of prescribed applications of interest reside." ¶[0026]. Therefore, it is apparent that in the present application, only certain applications are located and loaded based on the affinity mask.

In contrast to claim 9, Microsoft Technet discloses loading an entire process control database from the registry, as opposed to searching registry keys for software applications whose execution is limited to certain processors by an affinity mask. Microsoft Technet indicates that the Process Control service "loads the Process Control database from the registry and builds internal structures, including a process alias lookup table and process/Job Object lookup table." Because Microsoft Technet describes loading an entire Process Control database and not searching registry keys for software applications affected by an affinity mask, it does not disclose this element of the claim.

For at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 9. Applicants also request withdrawal of the rejection of claims 10-13, which depend from claim 9.

C. Claims 14-20

Independent claim 14 requires, among other elements, "dynamically managing the affinity mask for the application group by adding and removing processors from the affinity mask using priority values for the grouped installed software application." Analogous to the description above in conjunction with claim 1, at least this element is not disclosed or suggested by Microsoft Technet. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 14, and claims 15-20 which depend therefrom.

Conclusion

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone Applicants' attorney Richard Gregson, Reg. No. 41,804, at (215) 986-3325.

This response is directed to a Unisys Corporation matter. Please continue to direct all official correspondence to Unisys; however, any questions specific to the present response should be directed to Merchant & Gould.

Respectfully submitted,

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Date: 26 March 2008 By /Richard J. Gregson/
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